

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4490 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

KANCHANLAL ISHWARLAL MANIWALA

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR CL SONI for Petitioner

Ms.Maya Desai for Mr.M.D.Pandya for the Gujarat
Electricity Board.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 29/06/1999

ORAL JUDGEMENT

Rule. Ms. Desai waives service of rule on behalf of respondent.

The parties have arrived at a consensus and have submitted that this petition may be decided on the agreed terms.

This petition is directed against the revised

supplementary bill issued to the petitioner pursuant to the decision of the Appellate Committee of the respondent -Board. Upon checking the installation by the Officers of the Board, a case of power pilferage was detected. The petitioner pointing out the facts and circumstances in para 7 of the petition, has prayed for grant of instalments to pay the supplementary bills. Keeping in view the facts and circumstances of the case, the petitioner's readiness to abide by such further conditions as may be imposed to safe guard the Board's interest and upon consensus having been arrived at between the parties, this Special Civil Application is decided on the agreed terms as under:-

- (1) The petitioner shall pay the full amount of supplementary bill in arrears i.e. a sum of Rs.1,02,326-90 Ps. together with delay payment charges as per the Board's Rules;
- (2) The aforesaid amount shall be paid by instalments. The first instalment shall be Rs.14,326-90 Ps. which shall be paid by the petitioner on or before 5th July, 1999, and the balance amount shall be paid by seven equal instalments payable on or before 5th of every subsequent English Calendar month and the last instalment shall cover the delay payment charges;
- (3) The petitioner shall continue to pay regularly the current consumption charges and shall abide by terms and conditions of supply;
- (4) The petitioner shall not transfer assets of his unit till the aforesaid amounts are fully cleared;
- (5) The petitioner shall file an undertaking to abide by the aforesaid conditions within two weeks from today;
- (6) Upon failure to abide by any of the conditions, the petitioner's power supply shall be liable to be disconnected without further notice;
- (7) The power supply of the petitioner shall be re-connected upon payment of the first instalment and this re-connection shall be subject to compliance of the conditions set out and agreed between the parties, as above.

This Special Civil Application is, therefore, decided on the basis of the agreed terms, as above.

Ordered accordingly. Rule is also made absolute in the terms, as aforesaid. No order as to costs. Direct service is permitted.

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